

REMARKS

Applicants have canceled claims 1-3, 6, and 34-36 without prejudice. Applicants reserve the right to pursue claims similar or identical to these claims in one or more applications claiming priority to the instant application.

Claim 7, which depended from claim 6, has been rewritten to depend from claim 4 (from which claim 6 had previously depended). Thus, no new matter has been added.

Claims 4, 5, 7, and 31-33 are now pending for examination.

Rejection of Claims 1-7 and 31-36 under 35 U.S.C. §112, ¶2

Reconsideration is respectfully requested of the rejection of claims 1-7 and 31-36 under 35 U.S.C. §112, ¶2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 1-3, 6, and 34-36 have been cancelled without prejudice, mooting this rejection. Accordingly, Applicants respectfully request that this rejection be withdrawn.

With respect to claims 4 and 5, the Patent Office has not set forth any reasons for the rejection of these claims. Accordingly, clarification or withdrawal of the rejection of claims 4 and 5 is respectfully requested.

Claim 7 has been amended to delete "deoxyuridine derivative." Accordingly, it is believed that the rejection of claim 7 is now moot.

Regarding independent claim 31, it should be noted that those of ordinary skill in the art will recognize that "NR¹R²" within the second chemical structure of claim 31 represents an amine, i.e., a chemical moiety in which a nitrogen atom is independently covalently bonded to each of R¹ and R². Each of R¹ and R² is a moiety that includes at least one atom covalently bonded to N, and at least one of R¹ and R² comprises a carbon atom, thereby forming the amine. What is required to satisfy §112, ¶2 is that those of ordinary skill in the art *understand what is being claimed*. It is believed that those of ordinary skill in the art will clearly understand that the claim includes all amines having the structure shown, and thus, it is believed that the claim as presented is definite. Accordingly, Applicants respectfully request that the rejection of claim 31 be withdrawn.

Claims 32 and 33 each depend on claim 31, and are believed to be allowable for at least these reasons. Withdrawal of the rejection of claims 32 and 33 is also respectfully requested.

Rejections of Claims 1-3 and 34-36 Under 35 U.S.C. §103(a)

Claims 1-3 and 34-36 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Engelhardt et al., U.S. Patent No. 5,241,060 ("Engelhardt").

Claims 1-3 and 34-36 have been canceled without prejudice, mooted this rejection. Accordingly, Applicants respectfully request that this rejection be withdrawn.


CONCLUSION

In view of the foregoing, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes that the application is not in condition for allowance, the Examiner is requested to call the undersigned at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

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